

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LABORATORY CORPORATION OF
AMERICA HOLDINGS,

Plaintiff,

v.

NATERA, INC.,

Defendant.

C.A. No. 21-cv-669-GBW

LABORATORY CORPORATION OF
AMERICA HOLDINGS,

C.A. No. 21-cv-1635-GBW

Plaintiff,

v.

NATERA, INC.,

Defendant.

[NATERA'S PROPOSED] VERDICT FORM

Note: This proposed verdict form is based on the parties' respective understandings regarding the current scope of the jury trial. Both parties reserve the right to modify this verdict form based on issues raised and revisions made by the other side, rulings by the Court regarding evidentiary issues, and the scope of the jury trial.

Instructions: When answering the following questions and completing this Verdict Form, please follow the directions provided and follow the Jury Instructions that you have been given. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

As used herein:

1. “Labcorp” refers to Plaintiff Laboratory Corporation of America Holdings.
2. “Natera” refers to Defendant Natera, Inc.
3. The “’799 Patent” refers to U.S. Patent No. 10,604,799.
4. The “’308 Patent” refers to U.S. Patent No. 11,149,308.
5. The “’863 Patent” refers to U.S. Patent No. 11,155,863.
6. The “Patents-in-Suit” collectively refers to U.S. Patent Nos. 10,604,799; 11,149,308; 11,155,863.

We, the jury, unanimously find as follows.

LITERAL INFRINGEMENT

- Has Labcorp proven by a preponderance of the evidence that Defendant literally infringed any of the following asserted claims of the '799 patent? (a "YES" answer is a finding for Labcorp; a "NO" answer is a finding for Natera):

CLAIM	YES	NO
1		
8		
15		

- Has Labcorp proven by a preponderance of the evidence that Defendant literally infringed any of the following asserted claims of the '308 patent? (a "YES" answer is a finding for Labcorp; a "NO" answer is a finding for Natera):

CLAIM	YES	NO
1		
17		
20		
27		

- Has Labcorp proven by a preponderance of the evidence that Defendant literally infringed any of the following asserted claims of the '863 patent? (a "YES" answer is a finding for Labcorp; a "NO" answer is a finding for Natera):

CLAIM	YES	NO
1		
7		
13		

INFRINGEMENT BY THE DOCTRINE OF EQUIVALENTS

4. If you answered no for Question 1, has Labcorp proven by a preponderance of the evidence that Defendant infringed any of the following asserted claims of the '799 patent under the doctrine of equivalents? (a "YES" answer is a finding for Labcorp; a "NO" answer is a finding for Natera):

CLAIM	YES	NO
1		
8		
15		

5. If you answered no for Question 2, has Labcorp proven by a preponderance of the evidence that Defendant infringed any of the following asserted claims of the '308 patent under the doctrine of equivalents? (a "YES" answer is a finding for Labcorp; a "NO" answer is a finding for Natera):

CLAIM	YES	NO
1		
17		
20		
27		

6. If you answered no for Question 3, has Labcorp proven by a preponderance of the evidence that Defendant infringed any of the following asserted claims of the '863 patent under the doctrine of equivalents? (a "YES" answer is a finding for Labcorp; a "NO" answer is a finding for Natera):

CLAIM	YES	NO
1		
7		
13		

VALIDITY: ANTICIPATION

You must not answer Questions 7 – 14 if you have answered “no” to every question above.

If you have found any asserted claim infringed in the questions above, you must answer Questions 7 – 12 for those particular asserted claims.

7. Has Defendant proven by clear and convincing evidence that any of the following claims of the '799 patent are invalid because it would have been anticipated based on HaplotypeCaller? (a “YES” answer is a finding for Natera; a “NO” answer is a finding for Labcorp):

CLAIM	YES	NO
1		
8		
15		

8. Has Defendant proven by clear and convincing evidence that any of the following claims of the '308 patent are invalid because it would have been anticipated based on HaplotypeCaller? (a “YES” answer is a finding for Natera; a “NO” answer is a finding for Labcorp):

CLAIM	YES	NO
1		
17		
20		
27		

9. Has Defendant proven by clear and convincing evidence that any of the following claims of the '863 patent are invalid because it would have been anticipated based on HaplotypeCaller? (a “YES” answer is a finding for Natera; a “NO” answer is a finding for Labcorp):

CLAIM	YES	NO
1		
7		
13		

VALIDITY: OBVIOUSNESS

10. Has Defendant proven by clear and convincing evidence that any of the following claims of the '799 patent are invalid because it would have been obvious to a person of ordinary skill in the art based on HaplotypeCaller and the prior art? (a "YES" answer is a finding for Natera; a "NO" answer is a finding for Labcorp):

CLAIM	YES	NO
1		
8		
15		

11. Has Defendant proven by clear and convincing evidence that any of the following claims of the '308 patent are invalid because it would have been obvious to a person of ordinary skill in the art based on HaplotypeCaller and the prior art? (a "YES" answer is a finding for Natera; a "NO" answer is a finding for Labcorp):

CLAIM	YES	NO
1		
17		
20		
27		

12. Has Defendant proven by clear and convincing evidence that any of the following claims of the '863 patent are invalid because it would have been obvious to a person of ordinary skill in the art based on HaplotypeCaller and the prior art? (a "YES" answer is a finding for Natera; a "NO" answer is a finding for Labcorp):

CLAIM	YES	NO
1		
7		
13		

DAMAGES

You are only to answer Question Nos. 10 - 11 below if you have found an asserted claim of the Patents-in-Suit is infringed and not invalid.

13. What is the total amount of damages Labcorp has proven by a preponderance of the evidence that it is entitled to be paid for lost profits as a result of Natera's infringing sales of Signatera?

Amount: \$ _____

14. For any Signatera sales on which you did not award lost profits, what is the total amount of damages Labcorp has proven by a preponderance of the evidence that it is entitled to be paid as a reasonable royalty?

Amount: \$ _____

UNANIMOUS VERDICT

UPON REACHING A UNANIMOUS VERDICT ON EACH QUESTION ABOVE,
EACH JUROR MUST SIGN BELOW.

We, the jury, unanimously agree to the answers to the above questions and return them
under the instructions of this Court as our verdict in this case.

Jury Foreperson

Juror

Dated: _____